

COMMITTEE REPORT

Committee: East Area
Date: 12 March 2009

Ward: Derwent
Parish: Dunnington Parish Council

Reference: 09/00044/FUL
Application at: Dunnington Lodge Elvington Lane Dunnington York YO19 5LT
For: To convert the existing farmhouse and attached cottage into an organic childrens day nursery with associated landscaping and car parking (resubmission)
By: Vanessa Warn
Application Type: Full Application
Target Date: 20 March 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is located on the western side of Elvington Lane, between the A1079 Hull Road and Elvington village, which is located approximately 2.16 miles from the site (measured by road to edge of defined settlement limit). The site comprises two attached dwellinghouses - a farmhouse and separate cottage, known as Dunnington Lodge and Dunnington Cottage - and their curtilages. The vehicular access to the site is via a shared entrance with the York Maize Maze. Elvington Lane is a classified road (B1228), which is derestricted and unlit with no dedicated cycle and pedestrian facilities. Bus stops are sited on either side of the lane, to the south of the site, provided to facilitate access to the Maize Maze. The properties have been used up until recently as holiday let accommodation. The site lies within the York Green Belt.

THE PROPOSAL

1.2 The proposal involves the conversion of the properties into a children's day nursery for between 35 and 60 children aged 6 months to 5 years, with internal and external alterations. The internal works and layout do not require planning permission, but the external changes as part of the proposal form part of the application. The original submission proposed the provision of three sets of French doors to replace windows on the front and rear elevations, two new window openings on the front elevation, two new roof lights in the rear roof slope, replacement of doors with windows, the provision of an awning in the rear garden area, replacement of an existing storage building, lights on the frontage of the building and creation of a new dropping off and vehicle parking area with 5m high lighting columns.

1.3 The applicant has, however, agreed to withdraw the insertion of the French doors, thus retaining the original windows on the front elevation of the building, and amend the 5m high lighting columns proposed within the car parking area to small post lighting, in order to safeguard the visual amenity of the area.

1.4 Various documents and supporting statements have been submitted, including a Design and Access Statement and a Statement on Sustainable Design and Construction. The documents give background on the philosophy for the nursery and form the applicant's case for the proposal.

APPLICANT'S CASE

1.5 The applicant has submitted a supporting case in the form of various documents and letters, as referred to in 1.3 above. The case explains that the development would operate on environmentally sensitive principles of self sufficiency, organic sustainability and eco friendly management and is effectively a farm diversification scheme making use of redundant farm cottages. The benefits of the scheme are that the facility would:

- fulfil a need for a new nursery in the area, serving the rural community and surrounding villages, who are car dependent;
- reduce the number of journeys and journey times for those living in Dunnington, Elvington and Wheldrake, who use/could use the Park and Ride or the proposed on-line pick up and car share schemes;
- offer greater choice to parents in terms of space and ethos;
- create 18 full time jobs; and,
- be respectful to the building and land.

The facility is proposed to be an organic nursery in terms of its curriculum, products and food, with a kitchen garden and keeping of chickens, operating on environmentally sensitive principles.

PLANNING HISTORY

1.6 A previous application in 2008 was withdrawn at the applicants request following concerns expressed by the officers regarding the sustainability of the site in travel terms and highway safety.

1.7 The application has been referred to Committee at the request of Councillor Jenny Brooks, on the grounds that the way the business will be run and the transport arrangements proposed could well outweigh any sustainability objections.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

2.2 Policies:

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYNE1

Trees, woodlands, hedgerows

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYT13A

Travel Plans and Contributions

CYC1

Criteria for community facilities

CYC7

Criteria for childrens nurseries

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - This resubmission includes additional information and discussions, relating to sustainability and street lighting.

The operation and management of the nursery itself may accord with the general principles and philosophy of sustainability but, in highway terms, this proposed development is not considered "sustainable". Elvington Lane is a straight, unlit, derestricted road. There are no dedicated cycling facilities or footways in the vicinity of the site and the nearest centres of population are in excess of a mile away. Suggested cycling routes from Heslington are not viable as a year round access route. The site is served by public transport but is infrequent and currently under review. The suggested mini-bus service to/from the site and linking with the Park and Ride (P_R) would need to be by arrangement with the Council and current P_R service providers. The proposed use does not raise capacity issues in traffic terms.

The use would involve movements onto/from the road all year round including during hours of darkness.

The proposed provision of flashing amber school crossing signs is not considered appropriate in this instance as: - a) it is not a school with many children crossing, whether accompanied or not; b) it is not at a specified crossing point or manned patrol; c) they might be deemed a distraction being in an otherwise unlit road. The erection of such signs would require highway permission and it is thought probable that they would be considered inappropriate for this use and in this location.

Whilst a Travel Plan could be conditioned and the applicant has suggested the operation of a minibus shuttle to/from the site it is clear that the promotion of sustainable transport choices will be difficult to achieve, given the remote location of the nursery and negligible alternatives available to the private car. As such the operation of the nursery will significantly be reliant on the use of the private car.

It is therefore recommended that this application be refused for the following reasons:

1. The Local Planning Authority considers that the proposed development is not sustainable in travel terms by virtue of the remote location of the site, absence of dedicated cycle and pedestrian facilities within the adjacent public highway network and infrequent public transport. The development is therefore thought likely to be predominantly accessed by both customers and staff by private cars contrary to government advice contained in Planning Policy Guidance Note13 and City of York Council Draft Local Plan.

2. The Local Planning Authority considers that the sites location directly adjacent to and accessed off a derestricted and unlit road with no dedicated cycle and pedestrian facilities is unsuitable in terms of highway safety and security having particular regard to its year-round use with associated traffic movements into/out of the site in the hours of darkness

3.2 Environmental Protection Unit - No objections.

3.3 Design Conservation and Sustainable Development

(i) Landscape Architect - Comments as previous application. Proposal introduces significant area of hard standing in front of farm buildings. This is green belt and the introduction of a formal car park effectively extends the farm building complex into the greenbelt due to the permanent nature of the hard standing. The parking within the existing field to be reinforced grass. The parking area to the front of the farm buildings is acceptable, although it does result in a loss of greenery, namely grass.

(ii) Sustainability Officer - Accessibility - Whilst the applicant has tried to use innovative solutions to transport issues, this development is in a rural location with public transport accessibility issues. On advice from the Development Control Officer, the site is also not adequately accessible by foot and cycle. Whilst it is acknowledged that this is a service that is needed in the local rural community, a more accessible location with frequent public transport services would possibly be more suitable and accessible for members of the community. Also noted that the use of the park and ride scheme as a pick up point. This idea is welcomed, but

wonder if permission / agreement in principle has been reached yet with the Park and Ride?

Comments made with regards to the other categories of the sustainability statement. Commitment to conserving and enhancing building and to use of local materials and labour welcomed. More details required to clearly demonstrate how the building will reduce carbon emissions through design and installed technologies - actual installed technologies to reduce demand and energy efficient measures and actual proposed on-site renewable energy equipment in order to achieve the IPS: Sustainable Design and Construction 2007, 5% on-site renewable energy target. Should permission be granted, requests a condition relating to the above 5% renewable energy requirement.

EXTERNAL

3.4 Dunnington Parish Council - Support the application.

3.5 Elvington Parish Council - Support the application.

York Maze is a well run local amenity which is of benefit to the local community. No traffic related incidents occurred at all during its first year of operation.

Recognise that the road is not lit, but this is a rural area so would not expect nor want it to be. The nearby Common Lane junction (to Dunnington) is not lit, nor are various other farms and businesses in the vicinity, such as the Airfield Business Park.

In these circumstances, the Parish Council believes it would be unjustifiably anomalous to refuse planning permission for something which so benefits our local economy, particularly as this Parish Council supports the application. (Dunnington parish is unlikely to be affected to any extent as it is only right out at its geographical limit.)

Refer to 'no objection' by Highways to planning application for Hangars at the nearby Elvington Airfield, which would have resulted in many more traffic movements!

4.0 APPRAISAL

4.1 Key Issues:

- need
- reuse of buildings
- sustainability
- impact on Green Belt
- highway safety

POLICY CONTEXT

4.2 The relevant national planning policy context is outlined in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Guidance Note 2: Green Belt (PPG2), Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) and Planning Policy Guidance Note 13: Transport (PPG13).

4.3 PPS1 sets out the overarching planning policies on the delivery of the core principle of sustainable development through the planning system, with a spatial planning approach at the heart of planning for sustainable development. It states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities.

4.4 PPG2 relates to development in the Green Belt and confirms that the reuse of existing buildings within these areas is not inappropriate development, providing there is no materially greater impact on openness, the buildings are of permanent and substantial construction, capable of conversion without major reconstruction and subject to strict control over extensions.

4.5 PPS7 deals more specifically with rural areas. It promotes more sustainable patterns of development, focusing most development in, or next to, existing towns and villages. It states that "Accessibility is a key consideration in all development decisions". Particular reference is made to small-scale, local facilities, such as childcare facilities in 6(v), directing them to locations within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport. National policy supports the re-use of appropriately located and suitably constructed existing buildings in the countryside, particularly to promote farm diversification, where this would meet sustainable development objectives and would preserve buildings of historic or architectural importance or interest, or which contribute to local character. Local authorities should encourage farm diversification proposals, particularly, but not exclusively, where this enables access by public transport, walking and cycling, and should be realistic about the availability of alternatives to access by car.

4.6 PPG13 sets out the Government's objectives for integrated planning and transport to promote sustainable transport choices and accessibility by public transport, walking and cycling, in order to reduce the need to travel, especially by car. This policy approach applies also to rural areas in order to promote social inclusion. The objective is to ensure that services are primarily sited at the most accessible locations in the local area.

4.7 The policies of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005), set out in section 2.2, are material to the consideration of the application. Of particular relevance are policies GB1, GB3, C1 and C7. Policies GB1 and GB3 reflect national advice in PPG2 and allow for the reuse of buildings within the Green Belt outside defined settlement limits providing the reuse does not have a materially greater impact than the present use on the openness of the Green Belt and takes place within the fabric of an existing building of permanent and substantial construction, capable of conversion without major reconstruction, that has a clearly defined curtilage. Policies C1 and C7 allow the grant of permission for development that would meet a recognised need and, specific to children's nurseries, provide adequate play space, not adversely affect the amenity of neighbouring properties, and be in locations well served by footpaths, cycleways and public transport routes.

NEED FOR THE FACILITY

4.8 Policy C1 of the Local Plan states that applications for community facilities will be allowed provided that it would meet a recognised need. The applicant claims that there is a need for nursery provision in this area to offer a greater choice to parents, who currently only have access to either sessional groups or have to access nurseries outside the locality. The Council's Lifelong Learning and Leisure Department has confirmed that the provision in the area is currently restricted to childminders, who are at capacity, and sessional playgroups in Dunnington and Elvington, and that existing private nurseries in the wider area are heavily subscribed, while those at Wheldrake, Thorganby and on Hull Road (Next Generation) have closed in recent years. Therefore, it is likely that there is potential need for further childcare provision at this side of the City.

4.9 Policy C7 of the Local Plan gives specific guidance in relation to children's nurseries. It is considered that the visual impact of the proposed alterations to the car park to provide the external play area, ramped access and secure fencing would not be prominent or obtrusive. The building is in an isolated location, at some distance from houses or business premises (with the exception of the Maze Maize, which is under the control of the owner of the application buildings). As such, the proposal would not be likely to result in any significant harm to the amenity of neighbouring properties. Nor is it within a residential area where residential character could be harmed.

REUSE OF BUILDINGS

4.10 The reuse of rural buildings in Green Belt terms and as part of farm diversification is supported by national and local planning policies. The building, comprising the former farm house and attached cottage, have been used until recently as a holiday let (planning permission may have been required for this) and the adjacent site has been granted planning permission for three months of the year as the York Maize Maze. The buildings appear to be capable of conversion without substantial alterations being required.

4.11 The proposal is claimed to be a farm diversification scheme. PPS7 advises that farm diversification schemes for business purposes, should contribute to sustainable development objectives, help sustain the agricultural enterprise and be consistent in scale with their rural location. Such schemes include reuse for holiday accommodation or small scale office premises. However, it is not considered that this would necessarily include the proposed use due to its scale and lack of relationship to the agricultural holding. Furthermore, whilst the proposal is claimed to be a farm diversification scheme, no evidence has been put forward to show that the use is needed to sustain the agricultural enterprise.

SUSTAINABILITY

4.12 Accessibility is key in terms of the planning objectives of sustainable development and social inclusion, as set out in PPS1, PPS7 and PPG13. The site is located approx. 2.16 miles from the nearest settlement, Elvington, approx. 1.65 miles

from the junction with Wheldrake Lane, and approx. 2.14 miles from the Grimston Bar Park and Ride (measurements along roadways).

4.13 Elvington Lane is a classified, derestricted road, with no dedicated footpath or cycleway. The lack of these facilities and speed of vehicles using the road, in conjunction with the distance from settlements, would mean that access by cycle or on foot by parents with young children in particular, would be restricted. The off-road route from Heslington to Elvington along bridle-ways, highlighted by the applicant, would be impractical all year round for children due to the distance, isolation and condition for a significant proportion of the year and still requires travel along Elvington Lane.

4.14 Two bus services operate along Elvington Lane, and bus stops have been provided as part of the permission for the York Maize Maze to the south of the site. However, these services are infrequent and would not allow parents to travel by bus to bring children to the nursery as part of a journey from surrounding settlements into York or vice versa or indeed to travel back to their home. In addition, the frequency and the early finish of the buses, would not encourage use by staff.

4.15 The applicant is proposing to set up a car share scheme as well as a pick up/drop off service by mini-bus for staff and children alike. Such services may be successful for staff, but the practicality of the service for children attending the nursery is questioned given the age of the children. Whilst a Travel Plan could be conditioned, including the operation of the mini-bus service, the promotion of sustainable transport choices would be difficult to achieve, given the remote location of the nursery and negligible alternatives available to the private car. As such, realistically, it is considered that the operation of the nursery would be significantly reliant on the use of the private car.

4.16 The Sustainability Officer advises that a more accessible location would be more suitable and accessible for members of the community. The Council's Highway Officer recommends refusal of the application as the proposal is not sustainable in travel terms by virtue of the remote location of the site, absence of dedicated cycle and pedestrian facilities within the adjacent public highway network and infrequent public transport. Both query whether agreement with the operators of the Park and Ride site for pick ups has been reached.

4.17 It is considered that it would be unreasonable to condition that the nursery operate on the proposed environmentally sensitive principles at all times, particularly as this could be economically and practically unviable. Therefore, whilst the aims of the nursery are admirable, it is not considered that they outweigh the unsustainable location of the site and its limited accessibility other than by private car. Of particular note is that the use of the adjacent agricultural field as a maize maze was only granted planning permission for three months of the year, principally due to the unsustainable location of the site. Bus stops were required to be provided as part of this permission, although the nature of the use is significantly different to that of the proposed nursery, in that visitors would visit for a longer period of time allowing journeys to be taken using the albeit limited public transport service.

IMPACT ON GREEN BELT

4.18 The proposal involves reuse largely within the fabric of an existing building with a clearly defined curtilage. The alterations to the exterior of the building, including the canopy, replacement storage building and provision of the drop off area and car parking, would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. The applicant has agreed to remove from the proposal the provision of 5m high lighting columns for the car parking area, following concerns relating to the impact on the visual amenity and rural character of the Green Belt and open countryside. There has been discussion about the provision of additional lighting on Elvington Lane to address highway safety concerns as a result of the development. Concern still remains about the impact this could have on the visual amenity of the Green Belt.

HIGHWAY SAFETY

4.19 The Council's Highway Officer considers that the location is unsuitable for the proposed use in terms of highway safety and security, due to the proximity of the site to, and access off, a derestricted and unlit road with no dedicated cycle and pedestrian facilities. This is with particular regard to the year-round use and associated traffic movements into and out of the site, including during hours of darkness.

4.20 The applicant's offer to provide flashing amber school crossing signs is not considered to be appropriate in this instance for the reasons set out in 3.1 above, and would be unlikely to be granted consent by the Local Highway Authority.

5.0 CONCLUSION

5.1 It is likely that there is need for additional childcare facilities to serve this side of the City and the wider rural area. However, this likely need and the proposed operation of the nursery on environmentally sensitive principles is not considered to outweigh the unsustainable location of the site with limited accessibility by means other than the private car and the potential highway safety implications, as set out above. It is, therefore, considered to be contrary to national and local planning policies and is recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed use in this remote location with the absence of dedicated cycle and pedestrian facilities within the adjacent public highway network and infrequent public transport, would not be sustainable in travel terms, leading to a dependence on the private car by both customers and staff. It is therefore considered contrary to national planning policy contained in Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Planning Policy Guidance Note 13 (Transport), and Policy C7 of the City of York Draft Local Plan (incorporating Fourth Set of Changes, April 2005).

2 It is considered that the location of the site directly adjacent to and accessed off a derestricted and unlit road with no dedicated cycle and pedestrian facilities is unacceptable in terms of highway safety and security, having particular regard to its year-round use of the facility with associated traffic movements into and out of the site during hours of darkness.

7.0 INFORMATIVES:

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